GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

School Education- Intermediate Education-Policy for takeover of willing Private Aided Junior Colleges including Minority Junior Colleges by the Government-Orders – Issued.

SCHOOL EDUCATION [I.E.] DEPARTMENT

G.O.Ms.No.51 Dated: 17-08-2021

Read the following:-

1. A.P. Education Act, 1982.
2. G.O.Rt.No.52, Higher Education [CE] Dept., dated:06.04.2021.

***

ORDER:

Decades ago when the concept of providing Grant-in-Aid by the Government to Private Educational Institutions was initiated, it was envisioned to improve overall educational infrastructure. Over the years, the Education sector has changed drastically. Especially in the recent past, the State Government has put in massive efforts for strengthening education particularly with the launching of programmes/schemes such as Amma Vodi, Nadu-Nedu, Toilet Maintenance Fund etc. Owing to all such schemes, the educational infrastructure especially in the Government sector has improved significantly. Further, there has been an increased participation of the Private Institutions in the Education Sector in the recent past providing greater opportunities for accessing education. However, despite extending majority of the Government schemes such as Amma Vodi, Free textbooks etc., to the students studying in aided institutions on par with Government Institutions, there has been a steady decline in the student enrollment into private aided educational institutions. This testifies that in these changed circumstances, the Private Aided Educational Institutions in the State seem to have lost their relevance and vitality as most of them are lagging behind the Government and Private Unaided Educational Institutions in terms of performance and quality resources. Thus, the Government felt that the present policy of extending grant-in-aid to the Private Educational Institutions needs a detail review and course corrections.

2. The Government has also noticed that, in aided educational institutions, the percentage of admission in aided courses is gradually decreasing year on year while there has been significant improvement in student enrollment and standards in the Government Institutions. Also, filling aided staff vacancies in such aided institutions and possible demands of unaided staff, who are selected without any transparent method of recruitment i.e., without a sanctioned vacant post and/or without a competitive selection process similar to that of recruitment of Government Staff through appropriate Selection Committee, for regularization into aided posts lead to huge financial burden on Government's exchequer. Further, such regularization is illegal as per Apex Court Judgements in Umadevi and Manjula Bhashini cases and Andhra Pradesh Act 2 of 1994 (Regulation of Appointment to Public Services and Rationalization of Staff Pattern and Pay Structure). Additionally, it has been brought to the notice of the Government that few aided educational institutions could not run the courses because of very low enrollments and high operational expenses. This indicates that there is a heavy under utilization of the available aided resources in the institutions while directly or indirectly poaching the students into unaided courses. Furthermore, there is no need to stress any further on effectively utilizing all the available resources in the educational institutions to achieve the objectives of the schemes namely Providing Free Textbooks, "Amma Vodi" for continuing education, "Toilet Maintenance Fund" for maintaining cleanliness of Toilet Complexes, and "Nadu-Nedu" for strengthening educational infrastructure. Thus, it is a matter of public interest to take over the voluntarily willing private aided educational institutions.

3. To inquire further into the matter before taking a policy decision, the Government constituted a Committee vide G.O.Rt.No.52, Higher Education (C.E.)

Dept., dated.06.04.2021 to study the performance of Private Aided Educational Institutions right from Schools including Minority institutions in the State. Accordingly, the Committee has submitted a report recommending that there is no necessity to extend grant-in-aid any further to the Private Educational Institutions in the State.

4. After careful examination of the report of the Committee, the Government hereby orders the following in respect of policy for takeover of willing Private Aided Junior Colleges including Minority Junior Colleges in the State without any financial burden on the exchequer in the following manner:

A. The Commissioner/Spl. Commissioner of Intermediate Education shall immediately call for applications in writing from managements and staff of such Private Aided Junior Colleges whose managements are voluntarily willing to handover the management and infrastructure to the Government without any liabilities and accordingly,

i. The Government will take over their management and assets (movable and immovable) without any compensation payable by the Government through an irrevocable & unconditional registered deed of conveyance. Consequently, such institutions will become Government institutions.

ii. Additionally, to enable Government for absorption of aided staff of such willing aided institutions into Government institutions, the earlier orders of the Government such as G.O.Ms.No.302 of Education (I.E.1) Dept. dt:30.12.1993, G.O.Rt.No.890 of Education dt:02.08.1996, G.O.Ms.No.79 of H.E (I.E.1)Dept. dt:25.11.2002 etc., will be amended suitably or new orders will be issued as required for implementation of this policy.

iii. Once the process of takeover is completed, the Government will have the power to utilize the surplus assets (movable and immovable) of the institution for any public purpose after taking approvals as per the procedure after meeting the requirement of the institution. In addition, the Government will have powers as contemplated under Sections 61, 62 and 63 of the A.P. Education Act, 1982 only for this purpose.

iv. Also, the Government will absorb the existing aided staff of such aided institutions into Government institutions by duly framing the rules for their service and other purposes.

v. Further, such managements and their unaided/part-time staff (both teaching and non-teaching) will be mandated for giving a legally binding undertaking declaring that they are fully aware of the prohibitory clauses of Act 2 of 1994 (AP Regulation of Appointments to Public Services & Rationalization of Staff Pattern and Pay Structure Act, 1994) and they should never seek recourse for regularization now or later, on what-so-ever grounds; only the competent unaided/part-time staff (both teaching and non-teaching) of such aided institutions will be continued on outsourcing basis as per the suitability and eligibility of the individuals and as per the requirement which will be identified based on the student strength, workload and viability of the institution. The salaries for such unaided/part-time staff (both teaching and non-teaching) who are continued on outsourcing basis will be paid as per the Government norms issued from time to time from the fee being collected from the students if the amount so collected now is sufficient or their salaries will be paid from the Government funds.

B. The Commissioner/Spl.Commissioner of Intermediate Education shall immediately call for applications in writing from managements and aided staff of such Private Aided Junior Colleges whose managements are willing to surrender their aid in the form of surrendering their aided staff to the Government but not the assets and accordingly, the Government will absorb their aided staff into the needy Government Junior Colleges through a transparent web counseling process duly framing the rules for their service

and other purposes. Consequently, the grant-in-aid shall be withdrawn permanently for such institutions with the following conditions read with Section 47 of the AP Education Act 1982:-

(i) If any such institution has received any grant from the Central Government or State Government or their instrumentalities, the assets created with such grants cannot be disposed of / used for the purposes other than for which it was granted without prior approval of the Government,

(ii) If any such institution has been allotted any land by Govt. either free of cost or at a concession rate or even on payment of full market value, such land cannot be disposed of / used for the purposes other than for which it was allotted without prior approval of the Government,

(iii) If any such institution has got any other lands/assets donated by philanthropists or a trust or other organizations, such land/asset cannot be disposed of / used for the purposes other than for which it was donated without prior approval of the Government.

C. Additionally, for the purpose of absorbing the aided staff of such willing aided institutions into Government institutions, Special Rules w.r.t. their service matters, inter-se-seniority etc., will be issued on the similar lines of the concerned Rules issued vide G.O.Ms.No.96, HE(CE)Dept.,dt:08/07/2008. The Rules so issued shall be binding on such aided staff who are willing to be absorbed into Government as the absorption is based on their willingness to do so.

D. Further, for such aided staff, presently the total amounts of salaries are being paid by the Government through grant-in-aid. Hence, there won't be any additional financial burden on the Government w.r.t. payment of salaries to them. However, other benefits such as GPF/CPS, APGLI, LTC etc., will be extended suitably.

E. Additionally, owing to the withdrawal of the grant-in-aid, the Commissioner/ Spl. Commissioner of Intermediate Education shall accommodate the existing students of such Private Aided Junior Colleges, whose managements have surrendered their aid in the form of surrendering their aided staff, into Government Junior Colleges of their choice in the State on the request of their parents in writing. Further, the managements of such aided junior colleges after surrendering their aided staff will run the junior colleges and courses as Private Unaided Institutions and hence the students may continue pursuing their studies in such Private Unaided Institutions. Also, the mothers of each eligible student pursuing education even in such private unaided institutions in the state are given Rs.15000 per annum under Amma Vodi scheme for sending their children to Junior Colleges implying that such students and their families will not be subjected to any financial burden for continuing education in such private unaided institutions.

F. Also, the Government hereby authorizes the Higher Education Department as nodal department for all matters pertaining to operationalization of this policy including issuing of any new/revised rules and all the concerned departments shall route all matters pertaining to operationalization of this policy through the Higher Education Department.

5. Accordingly, the Commissioner/Spl.Commissioner of Intermediate Education shall immediately take necessary action, in consultation with the Government, towards standardizing the check-list, deed of conveyance, declarations regarding aided and unaided staff etc., preparing guidelines for absorption of aided staff into Government through a web counseling process and also for sending proposals, if required, for issuance of new/special Rules and/or amendments to relevant Rules for operationalizing this policy after getting the same legally vetted.

6. This order is issued with the concurrence of the Finance Dept., vide. their U.O.No.HROPDPP/16/2021 (Comp.No.1352507), dated: 22.07.2021.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B Rajsekhar I A S
Principal Secretary To Government

To
The Spl.Commissioner of Intermediate Education, A.P., Vijayawada.
The Accountant General, A.P., Hyderabad/Vijayawada.
The Director of Treasuries and Accounts, A.P., Ibrahimpatnam.
The Pay and Accounts Office, A.P., Ibrahimpatnam.
Copy to:
The Secretary to Chief Minister.
The Additional PS to Minister [Education].
The PS to Chief Secretary to Government.
The PS to Special Chief Secretary (H.E.) to Government.
The PS to Principal Secretary (S.E.) to Government.
The Finance Department.
The Law Department.
Sc/Sf

// FORWARDED::BY ORDER//

SECTION OFFICER